

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: GUIDANT CORP. IMPLANTABLE
DEFIBRILLATORS PRODUCTS
LIABILITY LITIGATION

MDL No. 05-1708 (DWF/AJB)

This Document Relates to:

Harry Breedlove; Edna Davis; Nelson Geiger;
Daniel Steinacker; and Linda Morrow, on
behalf of Frederick Weigand,

Plaintiffs,

v. Civil No. 07-2537 (DWF/AJB)

Guidant Corporation, Guidant Sales
Corporation, Cardiac Pacemakers Inc.; and
Boston Scientific Corporation,

Defendants.

(as to Plaintiff Linda Morrow, on behalf of
Frederick Weigand, only)

ORDER

Daniel E. Becnel, Jr., Esq., Law Offices of Daniel E. Becnel, counsel for Plaintiff.

Debbie Moeller, Esq., Shook Hardy & Bacon LLP, and Joseph M. Price, Esq., Faegre & Benson LLP, counsel for Defendants.

The Law Offices of Daniel E. Becnel commenced this action on May 30, 2007, on behalf of Plaintiff Linda Morrow, on behalf of Frederick Weigand ("Plaintiff"). On April 25, 2008, Plaintiff's counsel, Daniel E. Becnel, Jr., Esq., of the Becnel Law Firm,

L.L.C., filed a Motion to Withdraw as counsel of Record (Civ. No. 07-2537 (DWF/AJB), Doc. No. 6¹) on behalf of his law firm. In a letter dated May 5, 2008, the Court allowed Plaintiff to respond in writing to the motion within one week. As of the date of this Order, the Court has not received a response from Plaintiff.

An attorney may be permitted to withdraw as counsel of record only by order of the Court. D. Minn. LR 83.7(a). “Withdrawal without substitution may be granted only by a motion before the Court, for good cause shown.” D. Minn. LR 83.7(c). Counsel asserts that Plaintiff has failed to respond to any and all of counsel’s numerous communication attempts regarding the upcoming deadlines in this case. Counsel has sent letters via first-class mail and express mail to Plaintiff’s last known address of 707 Vanwill, Baltimore, MD 21231. Counsel has also left messages on Plaintiff’s answering machine to which counsel has received no response.

Based on a review of the file, and given the requirements necessary to proceed under the Master Settlement Agreement, the Court finds that good cause exists to allow the Becnel Law Firm, L.L.C., to withdraw from representing Plaintiff. The Court concludes that Plaintiff’s interests are best served if she is allowed to find new counsel to represent her.

Accordingly, **IT IS HEREBY ORDERED** that:

¹ Counsel for Plaintiff filed the Motion to Withdraw as Counsel of Record only in the individual case (Civil No. 07-2537 (DWF/AJB), Doc. No. 6). The motion should also have been filed in the master case, MDL 05-1708 (DWF/AJB).

1. The Motion to Withdraw as Counsel of Record (Civ. No. 07-2537 (DWF/AJB), Doc. No. 6) is **GRANTED**.
2. The Becnel Law Firm, L.L.C., shall inform Plaintiff Linda Morrow, on behalf of Frederick Weigand, of the substance of this Order (by U.S. Mail) and provide her with the contact information for Guidant and the Plaintiffs' Lead Counsel Committee. It shall also attempt to provide Plaintiff with her file and all case documents, at no cost to her.
3. The Becnel Law Firm, L.L.C., shall provide Guidant and the Plaintiffs' Lead Counsel Committee with Plaintiff's current contact information, including mailing address, telephone numbers, and e-mail address.
4. Plaintiff is encouraged to immediately seek new counsel. If she cannot afford to do so, the Court encourages her to investigate the possibility of a volunteer attorney service in her area. The Court also encourages Plaintiff to contact MDL Plaintiff Attorney Elizabeth Peterson at 612-341-0400 to discuss her options under the Master Settlement Agreement.
5. The Clerk of Court shall mail a copy of this Order to Linda Morrow, on behalf of Frederick Weigand, 707 Vanwill, Baltimore, MD 21231.

Dated: May 16, 2008

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court